

**BOARD OF SELECTMEN  
MEETING MINUTES  
December 8, 2003**

**PRESENT:** THOMAS C. REYNOLDS JR, CHAIRMAN; DOUGLAS R. COOK, Co CHAIRMAN; BRIAN MCDONALD, SELECTMAN; LEON G. METHOT, SELECTMAN.

**ADMINISTRATIVE COORDINATOR:** ROBERT CHRISTENSEN  
**RECORDING SECRETARY:** KELLY BUMPUS

**GUEST:** Chief Robert Richards, Joe Cox, Andy Fulton, Tom Carr.

The Selectmen's Meeting was held at the Town Office Building. Chairman Reynolds commenced the meeting at 6:30 p.m.

Chairman Reynolds asked that everyone stand for the Pledge of Allegiance.

**1. PUBLIC PARTICIPATION**

Chief Robert Richards – Chief Richards announced a grant that was awarded to the Weare Fire Department in the amount of \$145,000 to purchase breathing apparatuses and thermal imaging equipment. Chief Richards stated that the Town's responsibility will be 10% which will be covered by an amount already budgeted for breathing apparatus. Chief Richards stated that even the fee for Mr. Christensen writing the grant will be covered. The Board thanked Chief Richards.

Selectman Cook made a motion for the Chairman of the Board to sign the Federal grant. Seconded by Selectman McDonald. A vote was taken. Motion passed unanimously.

The Board then discussed heat and electric costs with Chief Richards. The Board made the decision to move heat and electric lines out of the Fire Department's budget and Highway Department's budget and into the Selectmen's budget. The Board requested Mr. Christensen to see to this.

Gene Propper – Mr. Propper stated that he was there on behalf of the Lake Horace Land Owner's Association. Mr. Propper requested the Board move the boulders that were placed at the lake in the summer for the winter months. Selectman Cook requested Mr. Christensen contact Mr. Carl Knapp and have the boulders removed for the winter season at both locations they were placed. Selectman Cook made a motion to remove the boulders for the winter at both locations. Seconded by Selectman McDonald. A vote was taken. Motion passed unanimously.

## **2. OLD BUSINESS**

### Cingular Wireless Fee –

Mr. Christensen notified the Board that the nominal fee from Cingular Wireless would be between \$30 and \$50 dollars per month. Selectman Cook stated that he is not in favor of this. Selectman McDonald stated that he was also not in favor of this fee.

### Code Enforcement Cell Phone –

Mr. Christensen informed the Board that the request from Mr. Everett Stone to move his cell phone bill from the Police Department's budget to his own budget can be done at no additional cost. Selectman McDonald made a motion to move the Code Enforcement cell phone bill from the Police Department to Code Enforcement. Seconded by Chairman Reynolds. A vote was taken. Motion passed unanimously.

### Negligent Fee Ordinance –

Mr. Christensen informed the Board that the Negligent Fee Ordinance is ready to go. He stated that the fees used were the highest fees on the scale. Selectman McDonald made a motion to accept the negligent fee ordinance per the new fee schedule. Seconded by Chairman Reynolds. A vote was taken. Motion passed unanimously.

### Ride-Along Forms for Highway Department –

Mr. Christensen stated that he is still working on the ride-along forms for the Highway Department. He stated that it has been reviewed by the Town Attorney. Selectman Cook requested the Police and Fire Chiefs review the new form and decide if they would like to use it as

well. Chairman Reynolds instructed Mr. Christensen to provide Mr. Knapp with the updated form.

### **3. PUBLIC HEARING**

Chairman Reynolds opened the Public Hearing at 7:00 p.m. for the purpose of hearing public testimony and receiving information with regard to the Weare Conservation Commission receiving a \$200 non-restricted grant from Public Service of New Hampshire. Mr. Tom Carr, Chairman of the Conservation Commission, met with the Board to explain that the Conservation Commission is in receipt of a \$200 grant check provided by Public Service of New Hampshire. He stated that this is a non-restrictive grant and their plans are to purchase a digital camera. Mr. Carr also asked if the Conservation Commission could have permission to speak with Ms. Elayne Pierson about setting up a separate fund for this grant which is available three times per year. Chairman Reynolds asked for public comment. Being none, Chairman Reynolds asked for any comments from the Board. Mr. Carr also asked if in the future they can hold one Public Hearing to cover the three \$200 grants available per year. Selectman McDonald stated that he believes this may be possible if it is worded correctly. Selectman Cook requested Mr. Christensen find out if a Public Hearing is needed for grants this size. Chairman Reynolds closed the Public Hearing at 7:10 p.m. Chairman Reynolds made a motion to accept the \$200, non-restrictive grant to the Conservation Commission from Public Service of New Hampshire. Seconded by Selectman Cook. A vote was taken. Motion passed unanimously.

### **4. OLD BUSINESS**

#### *Outdated Equipment –*

Mr. Christensen asked permission to round up all the outdated equipment to see what is salvageable and what should be discarded. Selectman Cook requested him to keep an inventory of what is discarded.

#### *Request to Sell Tickets –*

Mr. Christensen informed the Board that there has been a request from Land Use to sell tickets to raffle off a Patriots/Buffalo game out of the Town Office to support John Stark sports. He explained that the

tickets were originally to be sold the previous weekend, but due to the storm were not. Selectman Cook stated that he realizes this is for non-profit, but is hesitant about selling tickets out of a Town Office. The Board stated they cannot agree to this.

Selectman Methot arrived at the meeting at 7:27 p.m.

Deed Issue –

Mr. Christensen spoke with the Board concerning a lien on a piece of property. He stated that he has been in contact with the owner, Scott Lowery, and Mr. Lowery has stated that he never received the deed when he was suppose to and there was lack of communication at the time. He stated that Mr. Lowery had washed his hands of the issue at that time. Mr. Christensen asked if Mr. Lowery would be responsible for taxes up to this point? Selectman Cook stated that if Mr. Lowery wants the land he will need to pay the taxes. Selectman Cook stated that if no problems arose, then Mr. Lowery would be paying taxes on the property all this time. Mr. Christensen asked what will happen if Mr. Lowery decides he does not want this property back? Selectman Cook stated that the Town will do the paperwork to have it become Town property.

**5. WEARE/DUNBARTON TOWN LINES DISCUSSION**

Ms. Margo McLeod met with the Board to discuss the progress of the Town lines. Ms. McLeod introduced the Board to Mr. Fred Mullen of Dunbarton who has had a similar task in his Town. Mr. Mullen informed the Board that there are two monuments missing in Clough State Park. Mr. Mullen stated the importance of knowing exactly where the Town and County lines are. He stated that in the instance of a fire, Town lines determine who is responsible for the cost of the damage. Mr. Mullen informed the Board that a couple of years ago, he had spoken to the Army Corps Engineers and was told that they must first establish bounds, and then mark and blaze trees. Ms. McLeod suggested the Board seek some compensation from the two counties involved. Selectman McDonald requested a letter be sent to the counties involved. Selectman Methot stated that the county delegates should be contacted. The Board thanked Ms. McLeod for all the important work she has done with this issue.

## **6. HIGHWAY DEPARTMENT**

Mr. Carl Knapp requested permission to make a couple of announcements. Mr. Knapp stated that he would like to acknowledge Dave and Linda Langford for their work at the trading post. Mr. Knapp then stated that the winter ordinances are in effect. Mr. Knapp wanted to remind the public that there is no pushing snow across the roads, and also no parking in Town right-of-ways. The Board thanked Mr. Knapp for the great job done with the previous storm. Mr. Knapp discussed the cost of the storm and stated that it will be close to \$20,000.

### Warrant Article Discussion –

Mr. Knapp went over some Highway Department personal history and stated that in 1998, the Highway Department had 14 full-time employees and 2 or 3 part-time employees. He stated that at that time the transfer station had 2 full-time and 2 part-time employees. Mr. Knapp stated that since then there has been a large increase in population and he has taken on Water and Sewer as well. He stated that the Highway Department is the largest department and has the least secretarial hours. Mr. Knapp stated that because of these reasons he does not feel that promoting a foreman should be considered additional personnel and put on a warrant article. Selectman McDonald stated that it is a position that is needed, and Mr. Knapp should have a second in command. Chairman Reynolds made a motion to authorize Mr. Knapp to promote one of his staff to foreman with the additional salary amount of up to \$3,600 including salary and benefits. Seconded by Selectman Methot. A vote was taken. Motion passed unanimously. Mr. Knapp then discussed a warrant article to include both the increase of the Land Use position from part-time to full-time, and additional hours for Highway Department Secretary. The Board discussed both issues being on the same warrant. Selectman Cook stated he believes these issues should be split up into to articles. Selectman McDonald agreed they should be put on two articles. Mr. Knapp expressed concern with splitting the issues up and the fact that they affect the same person. The Board discussed this issue and decided that the two positions in question should be put on separate articles.

Mr. Knapp then discussed a warrant article for a 5 year road work plan. Mr. Knapp asked the Board if they would like to add Woodbury

Road to be done when the upcoming bridge work is done. The Board agreed that the road should be paved at the same time the bridge work is done. The Board discussed the fact that they are unsure where the Road Reconstruction Grant will stand if this article gets voted down. Chairman Reynolds requested that Mr. Christensen look into this.

## **7. DISCRETIONARY EASEMENT DISCUSSION**

The Board discussed the discretionary easement issue concerning Mr. Bill Weber. Mr. Christensen stated that he met with former assessor, Mr. Craig Nichols, Ms. Judy Rogers, and Mr. Bill Weber. Mr. Christensen read the minutes from the Board of Selectmen meeting of March 17, 2003 where the Board approved the discretionary easement. Mr. Christensen stated that Mr. Nichols had informed him that the provisions for the discretionary easement had not been met at that time. He had never received an appraisal. Mr. Christensen then asked if Mr. Weber should fill out an application for a discretionary easement at this point? Mr. Christensen went on to state that Mr. Weber never received official notice of the discretionary easement, and is requesting a payment plan of \$1,000 per year over the next 10 years. The Board instructed Mr. Christensen that Mr. Weber does need to fill out the application. The Board discussed payment options. The Board agreed that the \$10,000 current use penalty previously decided on by the Board stands as is.

## **8. OLD BUSINESS**

### Manifests -

Chairman Reynolds authorized the Board of Selectmen to sign manifests and order the Treasurer to sign checks dated December 11, 2003. Accounts Payable - \$45,047.77, Gross Payrolls - \$30,773.27. For a total of \$75,821.04. Seconded by Selectman McDonald. A vote was taken. Motion passed unanimously

### Meeting Minutes -

Chairman Reynolds made a motion to approve the meeting minutes of November 3, 2003 as amended. Seconded by Selectman McDonald. A vote was taken. Motion passed 3 in favor; 1 abstention (Selectman Methot). Chairman Reynolds made a motion to approve the meeting minutes of November 17, 2003 as amended. Seconded by Selectmen

McDonald. A vote was taken. Motion passed unanimously. Chairman Reynolds made a motion to approve the meeting minutes of November 27, 2003. Seconded by Selectman McDonald. A vote was taken. Motion passed 3 in favor; 1 abstention(Selectman Cook).

Safety Complex –

Selectman Cook informed the Board that Mr. Gary Chicoine is donating shutters to the Safety Complex. The Board requested a letter of appreciation be sent to Mr. Chicoine. Selectman Cook then discussed some money being left over and stated that Chief Richards had requested a sink in the decontamination room. Selectman Cook also stated that the generator will arrive on the 15<sup>th</sup>.

**9. NEW BUSINESS**

Right to Know Requests –

Mr. Christensen requested that his previous request for all information requested be accompanied by a form and signature. He stated that in speaking with other Town managers, he feels that the form only be used if it is beyond something that is easy to fulfill. Selectman Cook stated that if an individual from another department requests information, that person's department be contacted before the information is released. Selectman McDonald stated that there was an article in the paper regarding the Police Department and a letter from the Attorney General's office and he has discovered that the person from the press did not request this information from Mr. Christensen or the Police Chief. Selectman McDonald stated that a person from the press obtained a letter to the Board of Selectmen without going through the proper channels. He stated that he does not feel this is proper and would like to see any requests for information to the Board be directed to Mr. Christensen. Selectman Cook stated that he feels it is unfortunate that the Weare Free Press cannot leave the Police Department alone. Selectman Cook stated that this is because of a falling out between the owner of the paper and the Police Chief, and the owner of the paper lying to the Police Chief. Selectman Cook stated that he finds it interesting that the people that are friends with Mr. Richard Butt are not mentioned in the paper when issues arise like the Board not being able to meet because lack of a quorum. Selectman Cook stated that Mr. Butt has an ax to grind with the Police Chief. Selectman Cook stated that Mr. Butt was wrong and lied to the Police

Chief. Selectman Cook stated that Mr. Butt does not want to report on all of the news and he hopes the public realizes this.

Holly Hill Subdivision –

Selectman Cook stated that the Town has been served in regards to Holly Hill subdivision. He stated that some residents on Flanders Memorial Drive are taking the Planning Board to court for their decision.

Transcribing Tape Recorder –

Selectman Cook asked why the tape recorder used for transcribing the minutes does not beep when the tape has run out? He requested a new tape recorder, or to adjust the current one so he can view when the tape has run out.

Pass Through Engineering –

Selectman Cook informed Mr. Christensen that the answer received from Land Use regarding the amount spent in the past through engineering line of the budget is all well and good, but will be a problem if the budget runs short.

Zoning Board Resignation –

Selectman Cook stated that they have received the resignation of Mr. Harry Wetherbee from the Zoning Board. Selectman Cook stated he was sorry to see him leave. The Board requested a letter be sent to Mr. Wetherbee thanking him for his service.

Angels –

Chairman Reynolds announced that the Christmas tree in the Town Office Building has paper angels on it for donations. He requested the public please pick one up and buy what is indicated on the angel and bring it back by Monday.

**10. LAWN CARE BIDS – Fire Department and Cemeteries**

The Board reviewed the recommendation of the Board of Fire Wards for the Fire Department's lawn care. The Board of Fire Wards recommended Mr. Jeff Denning in the amount of \$4,850. Chairman Reynolds made a motion to accept the Board of Fire Wards recommendation for Mr. Jeff Denning to perform the lawn care for the



Fire Department in the amount of \$4,850, pending voter approval. Seconded by Selectman McDonald. Chairman Reynolds made a motion to accept the Cemetery Trustees recommendation for lawn care to All About Lawn Care in the amount of \$21,350, subject to voter approval. Seconded by Selectman McDonald. A vote was taken. Motion passed unanimously. Mr. Christensen stated that since the cemeteries have the money for their contract, they are wondering if they can go ahead and sign it? Selectman McDonald stated that there is a \$900 shortage.

## **11. NONPUBLIC SESSION**

Chairman Reynolds moved that the Board of Selectmen enter into Nonpublic Session at 10:12 p.m. pursuant to the authority granted in RSA 91-A:3 II (a). Seconded by Selectman Methot. A roll call vote was taken. Selectman Methot – yes; Selectman McDonald – yes; Chairman Reynolds – yes; Selectman Cook – yes. Motion passed unanimously.

In Attendance: Chairman Reynolds, Selectman McDonald, Selectman Cook, Selectman Methot, Mr. Robert Christensen.

Chairman Reynolds moved to come out of Nonpublic Session at 10:16 p.m. Seconded by Selectman Methot. A roll call vote was taken. Selectman Methot – yes; Selectman McDonald – yes; Chairman Reynolds – yes; Selectman Cook – yes. Motion passed unanimously.

Chairman Reynolds made a motion to seal and restrict the minutes of the nonpublic session pursuant to the authority granted in RSA 91-A:3 III. Seconded by Selectman Methot. A vote was taken. Motion passed unanimously.

## **12. NONPUBLIC SESSION**

Chairman Reynolds moved that the Board of Selectmen enter into Nonpublic Session at 10:16 p.m. pursuant to the authority granted in RSA 91-A:3 II (a) and (c). Seconded by Selectman McDonald. A roll call vote was taken. Selectman Methot – yes; Selectman McDonald – yes; Chairman Reynolds – yes; Selectman Cook – yes. Motion passed unanimously.

In Attendance: Chairman Reynolds, Selectman McDonald, Selectman Cook, Selectman Methot, Mr. Robert Christensen.

The Board discussed an issue regarding Mr. Steven Bendal. An article in the Union Leader stated that Mr. Bendal had been arrested and is being charged with prohibited use of a computer. The article has been entered into public record. Selectman Methot stated a letter needs to be drafted stating that until this matter is resolved, the Board cannot have him working for the Town.

Chairman Reynolds moved to come out of Nonpublic Session at 10:24 p.m. Seconded by Selectman McDonald. A roll call vote was taken. Selectman Methot – yes; Selectman McDonald – yes; Chairman Reynolds – yes; Selectman Cook – yes. Motion passed unanimously.

### **13. NONPUBLIC SESSION**

Chairman Reynolds moved that the Board of Selectmen enter into Nonpublic Session at 10:25 p.m. pursuant to the authority granted in RSA 91-A:3 II (a) and (c). Seconded by Selectman McDonald. A roll call vote was taken. Selectman Methot – yes; Selectman McDonald – yes; Chairman Reynolds – yes; Selectman Cook – yes. Motion passed unanimously.

In Attendance: Chairman Reynolds, Selectman McDonald, Selectman Cook, Selectman Methot, Mr. Robert Christensen.

Chairman Reynolds moved to come out of Nonpublic Session at 10:50 p.m. Seconded by Selectman McDonald. A roll call vote was taken. Selectman Methot – yes; Selectman McDonald – yes; Chairman Reynolds – yes; Selectman Cook – yes. Motion passed unanimously.

Chairman Reynolds made a motion to seal and restrict the minutes of the nonpublic session pursuant to the authority granted in RSA 91-A:3 III. Seconded by Selectman Methot. A vote was taken. Motion passed unanimously.

### **14. ADJOURNMENT**

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Chairman Reynolds made a motion to adjourn at 10:55 p.m. Seconded by Selectman Methot. A vote was taken. Motion passed unanimously.

A True Record

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Kelly Bumpus, Recording Secretary